

MICHIGAN DEPARTMENT OF CORRECTIONS  
PRISONER/PAROLEE GRIEVANCE FORM4835-4247 10/94  
CSJ-247ADate Received at Step I 6-17-16Grievance Identifier: STF-16-06-0601-1241

**Be brief and concise in describing your grievance issue.** If you have any questions concerning the grievance procedure, refer to PD 03.02.130 and OP 03.02.130 available in the prison Law Library.

Name (print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
Jose Dearduff	9732730	STF	8-156	4-10-2016	6-16-2016

What attempt did you make to resolve this issue prior to writing this grievance? On what date? After two years of waiting, I was seen by Dental in December 2015. During this examination I was told I could fully expect to receive three forms of treatment in the coming months: My Teeth Cleaned, Two Fillings, and A Partial. I was also told to wait a few months for these treatments to begin. In March (3-20-16), I began my RESOLUTION ATTEMPTS by kiting Dental, the last attempt being (4-10-16), where I explained that I was in pain. Each time Brannon, DA responded to the kits, yet failed to make good on what was promised, and it is now 6-16-2016, with no treatment in sight. Matter yet to be resolved.

If none, explain why.

State problem clearly. Use separate grievance form for each issue. Additional pages, using plain paper, may be used.

Four copies of each page and supporting documents must be submitted with this form. The grievance must be submitted to the Grievance Coordinator in accordance with the time limits of OP 03.02.130.

(Statement of Facts) (1) PD 03.03.130 paragraph "G," states Health care, SHALL be available to prisoners with contemporary standards of medical practice in the community. In what Michigan communities are the contemporary standards such, that they force people to wait seven months to have their teeth cleaned, fillings & partials provided? (2) PD 03.04.100 paragraph "L," states: However, all medical, psychiatric, and DENTAL MATTERS involving medical judgment are the sole province of the responsible physician, psychiatrist, or DENTIST, under the direction of the Chief Medical Officer. (3) Because of a ruling in a recent Michigan case, The Criminal Defense Newsletter has instructed all Michigan prisoners to exhaust all Dental grievances, and then forward all relevant information to Daniel E. Marville, Attorney, Michigan State University Civil Rights Clinic, 610 Abbot Road, East Lansing, Michigan 48823.

## (Arguments)

PD 03.04.100 paragraph "Q," states The Health Unit Manager SHALL be responsible for the operation of the health care clinic, except for issues which require medical judgment, yet H. Bailey has not lived up to this responsibility, allowing Brannon, DA to deprive me of much needed dental treatment, despite the time I've waited to be seen, and the knowledge that I was experiencing pain. In addition to exhausting my Administrative Remedies, complaints will also be filed with The Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Legal Affairs Division, P.O. Box 30670, Lansing, Michigan 48909-8170.

Jose Dearduff  
Grievant's Signature

RESPONSE (Grievant Interviewed?)

☒ Yes ☐ No

If No, give explanation. If resolved, explain resolution.)

Respondent's Signature

Date

Reviewer's Signature

Date

Respondent's Name (Print)

Working Title

Reviewer's Name (Print)

Working Title

Date Returned to

Grievant:

If resolved at Step I, Grievant sign here.

Resolution must be described above.

Grievant's Signature

Date

DISTRIBUTION: White, Green, Canary, Pink — Process to Step One; Goldenrod — Grievant

Exhibit 5 - Dearduff's Grievance

2016 JUN 20 AM 8:19



**Step I Grievance Response**

<b>Grievance Number:</b>	STF 2016 06 0601 12A1
<b>Prisoner Name:</b>	Dearduff
<b>Prisoner Number:</b>	732738

<b>Prisoner</b>	<b>X</b>	<b>was</b>	<b>was NOT interviewed. GIVE REASON:</b>	
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**SUMMARY OF COMPLAINT:**

The Grievant states that he has been unable to get his teeth cleaned, two fillings completed and a partial completed by Dental.

**INVESTIGATION INFORMATION**

Per the Dental Department, the Grievant needs to send a request to Dental for cleaning and he will be put on the list.

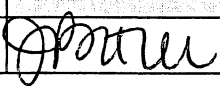
He does not qualify for a partial because he is missing too many teeth for a partial to hold.

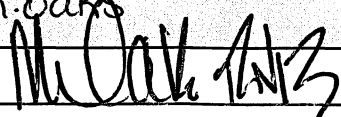
He sent a Dental Request on 4/13/16 for tooth pain and he was evaluated on 4/13/16; no treatment needed for Dental.

The Grievant sent another request to Dental on 5/12 complaining of pain. The Grievant was evaluated by Dental on 5/12/16 and there were no abnormalities noted and Dental states that if the pain continues they will extract tooth #12.

**SUMMARY**

. The Grievant is encouraged to send a Dental Request for cleaning and if he experiences any oral pain.

<b>RESPONDENT NAME:</b>	J. Bitler	<b>TITLE:</b>	RN 13
<b>RESPONDENT SIGNATURE:</b>		<b>DATE:</b>	6/30/16

<b>REVIEWER NAME:</b>	<del>H. Bailey</del> M. Oaks	<b>TITLE:</b>	<del>HUM</del> RN13
<b>REVIEWER SIGNATURE:</b>		<b>DATE:</b>	6/30/16

MICHIGAN DEPARTMENT OF CORRECTIONS  
**PRISONER/PAROLEE GRIEVANCE APPEAL FORM**  
 ADMINISTRATIVE ASST

4835-4248 5/09  
 CSJ-247B

Date Received by Grievance Coordinator  
 at Step II: **JUL 13 2016**

Grievance Identifier: **STF-16-06-0601-12A1**

**INSTRUCTIONS:** THIS FORM IS ONLY TO BE USED TO APPEAL A STEP I GRIEVANCE.

The white copy of the Michigan Department of Corrections Grievance Form CSJ-247A (or the goldenrod copy if you have not been provided with a Step I response in a timely manner) **MUST** be attached to the white copy of this form if you appeal it at both Step II and Step III.

**RECEIVED - MDOC**  
**AUG 10 2016**  
**Office of Legal Affairs**

If you should decide to appeal the Step I grievance response to Step II, your appeal should be directed to: **Step II GIC by 7-15-16**. If it is not submitted by this date, it will be considered terminated.

If you should decide to appeal the response you receive at Step II, you should send your Step III Appeal to the Director's Office, P.O. Box 30003, Lansing, Michigan, 48909.

Name (Print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
<b>Joey Dearduff</b>	<b>#732738</b>	<b>STF</b>	<b>B- /53</b>	<b>4-10-2016</b>	<b>7-11-2016</b>

**STEP II — Reason for Appeal** Although the Step One Response by J. Bitler RN, which was reviewed by M. Oaks RN, denies any wrongdoing on the part of STF Medical/Dental staff, their behavior since 6-30-2016, appears to tell a different story. For example, on 7-7-2016, I was provided with a much needed filling in one of my teeth, with another appointment scheduled for the week of July 11, 2016. It should be duly noted however, that while my teeth were being filled, I was informed by the Dentist, and Bowman DA, that I was going to be placed on the list for a partial after-all. Whether that's true or not remains to be seen. I can assure you however, that whatever care I'm denied, will be meticulously documented. It will explain in great detail what care I am seeking, how the denial of care is causing pain, an or, difficulty eating, and I will outline how this conduct violates the law. It will also name any and all people involved. As we continue the Administrative Process, I will begin to research Corizon's role in this treatment denial as well. Since Senator John P. O'Brien, District 21, has indicated his desire to see some change within the Michigan Department of Corrections, as evidenced in Senate Bill No. 932, perhaps I will contact him as well, in an effort for transparency.

**STEP II — Response**

Date Received by  
 Step II Respondent:

**JUL 18 2016**

*See attached response*

Respondent's Name (Print)

Respondent's Signature

Date

Date Returned to  
 Grievant:

**8/1/16**

**STEP III — Reason for Appeal** Step Two Respondent, Patricia Lamb, RN, BSN, states in her response, "However, based on the eligibility criteria contained in the current MDOC Dental Protocol, IT WOULD APPEAR THAT GRIEVANT HAS TOO MANY POSTERIOR TEETH STILL PRESENT TO QUALIFY FOR A PARTIAL DENTURE." Under whose authority, have you people created this protocol, which allows you to deviate from PD 03.03.130 paragraph "G," which requires you to provide health care that is consistent with contemporary standards of medical practice in the community? Are you suggesting that people in the community are being denied partials based upon how many teeth are present? PD 01.04.110 paragraph "C," states "Each policy directive and DOM derives authority from statute, administrative rule, or court order AND MUST BE CONSISTENT WITH APPLICABLE STATUTES AND ADMINISTRATIVE RULE." PLEASE PROVIDE MY PARTIAL, SO THAT I CAN EAT WITHOUT ANY PAIN.

**NOTE: Only a copy of this appeal and the response will be returned to you.**

**STEP III — Director's Response** is attached as a separate sheet.

DISTRIBUTION: White — Process to Step III; Green, Canary, Pink — Process to Step II; Goldenrod — Grievant

Exhibit 5 - Dearduff's Grievance

Michigan Department of Corrections

STF-1606-601-12A1

**Grievance Step II Response**

**DEARDUFF 732738**

Grievant claims that he has been subjected to an unreasonable delay re: provision of dental care, specifically a teeth cleaning, two fillings and a partial denture. Grievant states he was seen by Dental staff in December, 2015 and was told he could expect the aforementioned treatment "in the coming months... and it is now 6/16/16, with no treatment in sight."

Review of the electronic dental record reveals that grievant was evaluated on 12/3/15 and subsequently listed for cleaning, fillings and prosthetics. Initial tooth debridement was completed on 12/10/15. However, due to the sensitivity of grievant's teeth and his oral hygiene status, it was determined that further cleaning would require local anesthetic. This was partially completed on 7/19/16 when half of grievant's mouth was scaled and debrided following the administration of local anesthetic. The remainder of grievant's mouth will be similarly cleaned next week. Multiple fillings have been completed this month and grievant remains listed for more. At the conclusion of this process, the issue of the partial will be considered. However, based on the eligibility criteria contained in the current MDOC Dental Protocol, it would appear that grievant has too many posterior teeth still present to qualify for a partial denture. Loss of anterior (front) teeth is not among the current criteria for such prosthetics.

Grievant is assured that every effort is made to see dental patients as swiftly as possible. It appears that some of the treatment planned for grievant has been completed. Should grievant experience adverse and/or worsening symptoms while waiting for the final dental appointments on his current treatment plan, he is encouraged to promptly contact the Dental Clinic at his facility.

No further resolution can be offered at this time.

Patricia Lamb, RN, BSN  
Respondent Name

*PL*  
Patricia Lamb, RN, BSN  
Respondent Signature

July 27, 2016  
Date

B153

### Step III Grievance Response

JOEY DEARDUFF

732738

STF 16060601

Grievant alleges he has been denied timely access to dental services.

All relevant information within the electronic medical record has been reviewed. Step I and Step II appropriately addressed this grievance and are affirmed at the Step III appeal. In accordance with PD 04.06.150 (O) Prisoners requiring urgent dental services shall be seen as quickly as possible ... Prisoners on the waiting lists for routine dental services shall be seen in the order of placement on the lists. Treatment priority shall be based on the clinical and professional judgment of the dentist. No violation has been identified.

Grievance appeal denied.

Response of Bureau of Health Care Services

Date: 9/7/2016

Approved: R. Harbaugh, RN  
R. Harbaugh, RN

Date: 9/8/16

Richard D. Russell  
Richard D. Russell Manager, Grievance Section Office of Legal Affairs

SEP 14 2016  
Date Mailed

Ref. # 25214

C: Warden  
Regional Health Care Administrator Northern  
Grievant